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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: VESPER=1

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| In re Application of: |) | Art Unit: 1645 |
| |) | |
| Stephen J. VESPER |) | Examiner: Patricia A. DUFFY |
| |) | |
| Appeal No.: 2006-3008 |) | Confirmation No. 5682 |
| |) | |
| Appln. No.: 09/866,793 |) | |
| |) | |
| Filed: May 30, 2001 |) | Washington D.C. |
| |) | |
| For: METHODS FOR ISOLATING |) | August 11, 2008 |
| AND USING FUNGAL... |) | |

PETITION TO REVIVE PATENT APPLICATION UNDER 37 C.F.R. §1.137(b)

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop PETITION
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants, through their undersigned attorney, hereby petition for revival of the above-identified application in accordance with the terms of 37 C.F.R. §1.137(b). The above-identified application became abandoned for failure to respond to the Notice of Defective Brief of January 22, 2007.

Under 37 C.F.R. §1.137(b), a petition to revive an unintentionally abandoned application must be accompanied by (1) a statement that the delay was unintentional, (2) a proposed response unless it has been previously filed, and (3) a fee in the amount of \$1540.00 in accordance with 37 C.F.R. §1.17(m).

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(1) Applicant, through undersigned counsel, hereby states that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional.

(2) Filed herewith is a proposed response to continue prosecution of the present application.

(3) The petition fee of \$1540.00 as set forth in 37 C.F.R. §1.17(m), is attached hereto.

Granting of this petition and forwarding of the application to the examiner for further action is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By



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